IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 51 OF 2006
IN
CHAMBER SUMMONS NO. 666 OF 2004
IN
EXECUTION APPLICATION NO. 81 OF 2004
IN
SUIT NO. 2241 OF 1997

Mr. Rajesh Manmohandas Shah.] .. Appellant (Ori.Applicant)

Versus

1. M/s. H.K. Industries & Anr.] .. Respondents

Mr. R.R. Mishra for the appellant.

Mr. N.M. Shah for the respondent No.1.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 14TH FEBRUARY, 2006

P.C. :

. Heard.

2. At the outset, the learned counsel for the appellant handed a cheque in the sum of Rs.20,000/- dated 11th February, 2006 drawn in favour of the respondent No.1.

3. In our order dated 3rd February, 2006, we

noticed that looking to the movables as set out in the Inventory (Exhibit-A) which have been attached, the offer made by the learned counsel for the appellant that in addition to an amount of Rs.30,000/- which has already been deposited, further deposit of Rs.20,000/- shall be reasonable.

4. In our considered view, the tentative value of the movables that have been attached may not exceed Rs.50,000/- and in that view of the matter, the question whether the attached movables belong to the applicant or the judgment debtor looses its significance. We accordingly pass the following order:

O R D E R :

(i) The attachment of the movables as set out in Inventory (Exhibit-A) is raised.

(ii) The cheque of Rs.20,000/- dated 11th February, 2006 drawn in favour of H.K. Industries is handed over to Mr. N.M. Shah, Advocate for the respondent No.1 for being delivered to the respondent No.1.

(iii) The respondent No.1 shall also be

entitled to withdraw the sum of Rs.30,000/- that has been deposited by the appellant.

(iv) A sum of Rs.50,000/- so deposited by the appellant shall be adjusted in the decretal amount as per the decree dated 6th November, 2001.

3. Appeal disposed of in the aforesaid terms.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]